

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN
DIVISION

2008 MAR 27 A 9:17

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

James McConico, Jr.
Plaintiff

vs.

Civil Action no: 2:08-cv-189-MEF

Robert Aller et al,
Defendants

PLAINTIFF'S OBJECTIONS TO RECOMMENDATION
OF THE MAGISTRATE JUDGE

COMES now the plaintiff James McConico, Jr. [herein after McConico] in the above styled cause of Action and vehemently objects on the following grounds to wit:

1. The defendants in this case are Commissioner Richard Aller and Governor Bob Riley both responsible for the state of Alabama's prison system. The Mag/ Judge has recommended to this U.S. District Court that this civil complaint be transferred to the United States District Court for the Southern District of Alabama. McConico objects!

The United States Congress did not enact rules that govern the statute of limitation and venue of civil complaints involving claims filed about injuries -

within the state of Alabama. Therefore Title 6 Sections 6-2-1 - 6-2-41 and 6-3-1 through 6-3-22 of the Code of Alabama 1975 ARE controlling.

Section 6-3-9 Code of Alabama 1975 makes it mandatory where the Prison system is involved All Actions must be filed in Montgomery County, Alabama. McEnroe is demanding declaratory and injunctive relief that only these two defendants can A judgment in McEnroe's behalf can be enforced upon.

Venue is proper in the United States District for the Middle District of Alabama. As A matter of Law and McEnroe moves this Court not to Adopt the Mag/Judge Recommendation. Directing the Mag/Judge to immediately Adjudicate McEnroe's Motion for A Temporary Preliminary Injunction due to the torture he is exposed to by going Member 24 hours Aday.

2. McEnroe objects to the Mag/Judge March 19th, 2008 decision on what is entitled A "Order on Motion", wherein the Mag/Judge has construed McEnroe's, "Memorandum of Law, Whether McEnroe's Claim Meets The Requirement of A Serious Physical Injury of the Prison Litigation Reform Act", As A Motion for Appointment of Counsel.

McEnroe hasn't filed A motion for Appointment of Counsel and never meant for his "Memorandum of Law Addressing the Expection to the PLRA of Serious Physical Injury", to be construed As such.

On page (2) two of the Mag/Judge's Recommendations, he does just what -

McGurk assumed he would do. Referred to the provisions of the "three strike" of 28 U.S.C. Section 1915 (g). This was the sole and only purpose of McGurk's, "Memorandum of Law . . ." to show the exception applied to him in this case, not a motion for appointment of counsel. McGurk objects!

Mc Grice moves the Court not to adopt the Magistrate Judge Report and Recommendations and send this cause back to the Magistrate Judge to file evidence whether the exception applies in Mc Grice's behalf.

3. McCarran objects to the Magistrate detaining and denying McCarran an immediate hearing on his request for injunctive relief within 10 days without taking any evidence. And McCarran had provided the Court with a prior ^{affidavit} ~~group~~ member who has risk his life by violating the group code and switched out the psychological fontane of McCarran. Plus the 60 plus days McCarran has be subjected to this nefarious conduct 24 hours a day suffering physically and mentally.

McGrice moves the Court not to Adopt the Magistrate's Report and Recommendation and that the U.S. District Court Itself set and hold this hearing on McGrice's Request for A TRO ---.

WHEREFORE the above Stated Reasons and Statutes Mr. Davis objects to the Magistrate's Recommendation and moves the Court to not Adopt the Recommendation and provide Mr. Davis Immediate Relief due to the seriousness of the grave tortious he is being subject to without the defendant's ordering their subordinates to comply with the laws of this State, the U.S. Constitution or protect Mr. Davis even in a half hearted attempt.

Respectfully submitted,
Jay McCombs
117395 - K-3
Holman Unit 3200
Atmore, AL 36503

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March, 2008, I have served a copy of these "objection" upon the following parties via, United States Mail postage prepaid:

Comm. Richard Atter
At. Dept. of Corrections
P.O. Box 301501
Montgomery, AL. 36130-1501

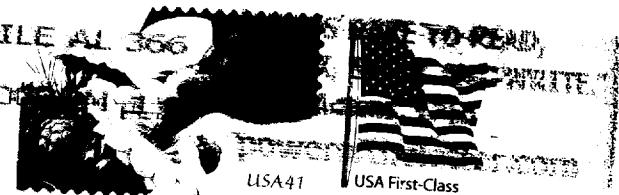
Governor Bob Riley
Governor's MANSION
Montgomery, AL. 36104

Jay McCombs
117395 - K-3
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Atmore, AL. 36503

Mr. James Mc Ginnis, Jr.
#117345-R-3
Holman Unit 3900
Atmore, AL. 36503

MOBILE AL 366

25 MAR 2008



To: Clark Debra Hackett
United States District Court
P. O. Box 711
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36101-0711